

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION Nos.464, 426, 526 and 527 of 2023

COMMON ORDER:

Heard Sri Y.Bala Murali, learned counsel for the petitioner in all the four Criminal Petitions, as well as learned Additional Public Prosecutor who is representing the respondent-State in all the four Criminal Petitions.

2. Criminal Petition No.464 of 2023 is filed under Section 438 Cr.P.C. seeking for pre-arrest bail in respect of the petitioner who is arrayed as accused No.2 in Crime No.333 of 2022 of Maheswaram Police Station, Rachakonda.

3. Criminal Petition No.426 of 2023 is filed under the same provision of law for grant of pre-arrest bail in respect of the petitioner, however who is arrayed as accused No.2 in Crime No.365 of 2022 of Kandukur Police Station, Rachakonda.

4. Criminal Petition No.526 of 2023 is filed under the same provision of law on behalf of the same person who is arrayed as accused No.2 in Crime No.446 of 2022 of Ibrahimpatnam Police Station, Rachakonda.

5. Likewise, Criminal Petition No.527 of 2023 is filed under the same provision of law in respect of the same person who is arrayed as accused No.2 in Crime No.445 of 2022 of Ibrahimpatnam Police Station, Rachakonda.

6. The allegation in all the four cases is that the petitioner by committing theft of live stock, has thereby committed the offence punishable under Section 379 IPC.

7. Making his submission learned counsel for the petitioner contends that the petitioner was initially arrested in one case, remanded to judicial custody and thereafter was enlarged on bail and on the strength of the said case, series of cases were registered against him, that too, without any basis. Learned counsel further submits that nothing was seized from the possession of the petitioner till now. Learned counsel states that the offence falling within the ambit of Section 379 IPC is punishable with imprisonment for a period below seven years and taking into consideration the said fact, anticipatory bail as prayed, for may be granted to the petitioner.

8. On the other hand, the submission of learned Additional Public Prosecutor is that the petitioner along with

the other accused has started committing theft of sheep and cattle and basing on the complaints given, cases were registered against the petitioner. However, learned Additional Public Prosecutor also states that in the second case, which is the subject matter in Criminal Petition No.426 of 2023, on completion of investigation, charge sheet is laid. Learned Additional Public Prosecutor further states that in all other cases, notices under Section 41-A Cr.P.C. were issued to the petitioner. Learned Additional Public Prosecutor did not state that the petitioner had failed to oblige the conditions imposed through the said notice.

9. Having taken into consideration all these factors, this Court is of the view that the request of petitioner can be honoured, however conditionally.

10. Resultantly, all the Criminal Petitions are allowed.

(i) The petitioner is directed to surrender before the Court/Courts concerned within twenty (20) days and on such surrender, he shall be enlarged on bail on his executing a separate personal bond in each case for a sum of Rs.30,000/- (Rupees Thirty thousand only) with two sureties for the like sum each to the

satisfaction of the Court/Courts concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.

(ii) In case, the petitioner holds a passport, he is directed to surrender the same.

(iii) The petitioner should not involve in any unlawful activity.

(iv) The petitioner should afford all assistance for proper investigation of the cases.

(v) The petitioner should not cause the evidence of the offence disappear.

(vi) The petitioner should not tamper with the evidence in any manner.

(vii) The petitioner should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer concerned.

(viii) The petitioner should ensure his presence whenever required by the Court/Courts or Police concerned.

(ix) The petitioner shall not leave India without previous permission of the Court/Courts concerned.

(x) So far as Criminal Petition No.464 of 2023 is concerned, the petitioner shall report before the Station House Officer, Maheswaram Police Station, Rachakonda, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) So far as Criminal Petition Nos.526 and 527 of 2023 are concerned, the petitioner shall report before the Station House Officer, Ibrahimpatnam Police Station, Rachakonda, on every Tuesday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xii) The petitioner shall file an affidavit before the court/Courts concerned disclosing the following particulars:-

- (1) Contact number
- (2) Mail address
- (3) Residential particulars.

In case, there is any change in the aforementioned details, the petitioner shall intimate the Court/Courts concerned by giving fresh affidavit/affidavits duly mentioning the change. He shall continue to do so till filing of the final reports in the aforesaid cases.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

11. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

23.01.2023
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